

Chapter 40R
Smart Growth Zoning for Housing Production

**NORTH GRAFTON
TRANSIT VILLAGE
OVERLAY DISTRICT**

**Amendments to Create
Sub-District B**

**Blatman, Bobrowski, Haverty
& Silverstein, LLC**

Proposed Project



Blatman, Bobrowski, Haverty & Silverstein, LLC

What is Ch. 40R?

- Housing production within the Commonwealth has not kept pace with the growing number of households looking for an affordable place to live
- To help meet this demand, the Commonwealth adopted Ch. 40R to allow municipalities to encourage housing production that is aligned with the principles of “smart growth”
- Communities doing so may obtain funds through housing incentive payments



Location, Location, Location. . .

- A Chapter 40R Smart Growth Overlay District shall be located in an “eligible location”



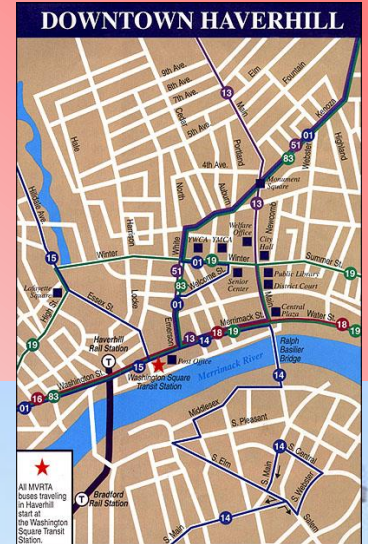
- Eligible locations include:
 - areas within 1/2 mile of any rapid transit/rail station or bus/ferry terminal
 - areas of concentrated development, such as existing city/town centers, commercial districts or rural village districts
 - areas qualifying as highly suitable locations, such as those identified as appropriate for high-density and/or mixed-use housing

Example: Location Near Transit

Downtown Area, Haverhill, Massachusetts



HAVERHILL
IS THE PICTURE OF PROGRE



Example: Area of Concentrated Development

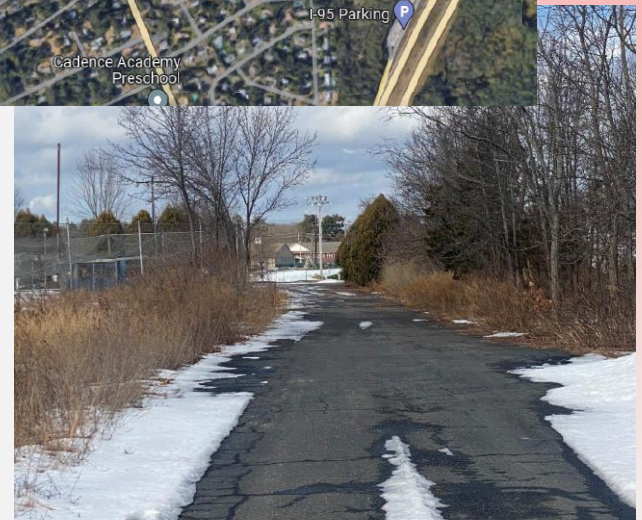
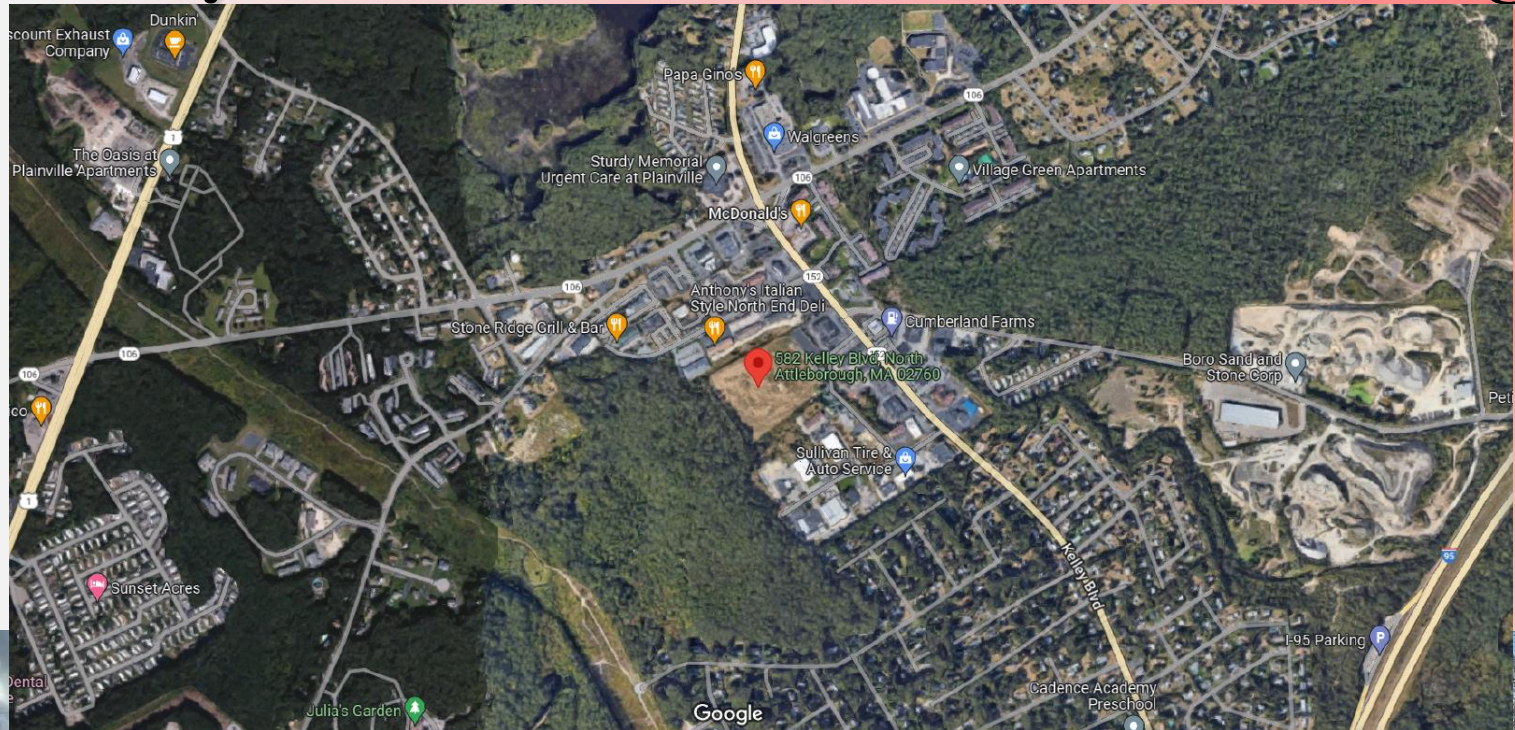
Village at Lincoln Park, Dartmouth, Massachusetts



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Example: Highly Suitable Location

582 Kelley Boulevard Rear, North Attleborough



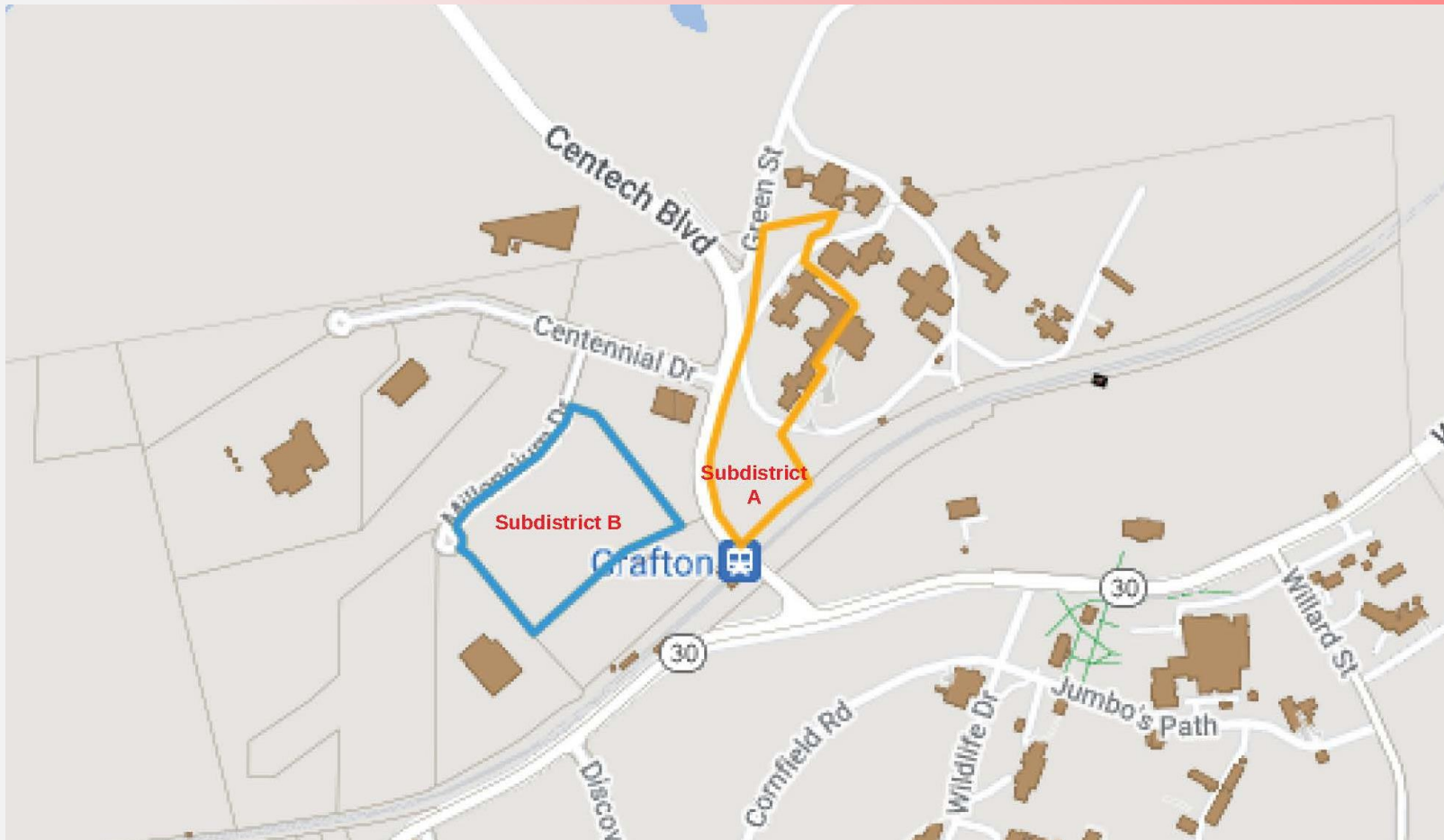
Example: Location Near Transit

NGTVOD: Sub-District B

- A contiguous 10.73 acre parcel
- Vacant land
- Located at the MBTA Station
- Access to public sewer and water.

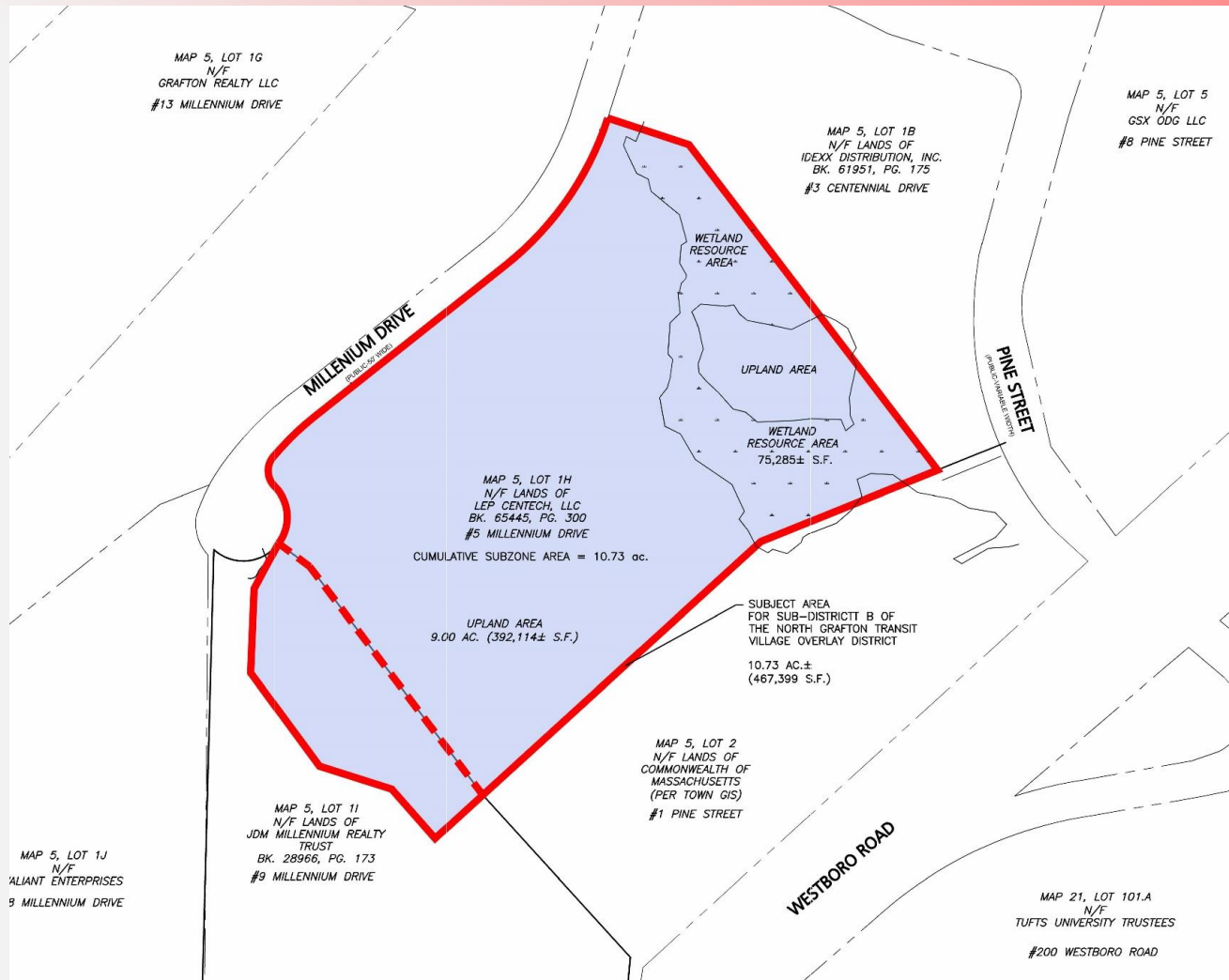
Zoning Map

Subdistricts A & B of the NGTVOD



Zoning Map

Proposed Sub-District B of the NGTVOD



Density

- Within a Smart Growth Overlay District, the minimum allowable as-of-right density shall be as follows:
 - eight (8) units per acre for developable land zoned for single-family residential use
 - twelve (12) units per acre for developable land zoned for two- and/or three-family residential use
 - twenty (20) units per acre for developable land zoned for multi-family residential use



Examples: Density



8 Units Per Acre



12 Units Per Acre



20 Units Per Acre



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Sub-District B

Density

- NGTVOD Sub-District B contains 10.73 acres
 - 9.02 acres are “developable”
- 233 dwelling units are proposed for Sub-District B of the NGTVOD
- Accordingly, Proposed Density = **25.83**
Units/Acre

Proposed Project



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Mapping the District

- A Ch. 40R Application submitted to the Department of Housing and Community Dev't shall include a zoning map of the proposed district, a developable land plan and a residential density plan
- The size/shape of the district and subdistricts depends on the desired density, the area of development and any areas not intended for development
- All land shall be categorized as developable (including under-utilized land), substantially-developed or non-developable (including open space, rights-of-way, public streets and ways, land used for governmental functions and environmentally-constrained land)



Proposed Zoning Map

Sub-District B



JUNE 5, 2023

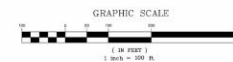
SUB-DISTRICT B OF THE NORTH GRAFTON TRANSIT
VILLAGE OVERLAY DISTRICT
GRAFTON, MA

PREPARED FOR:

TOWN OF GRAFTON

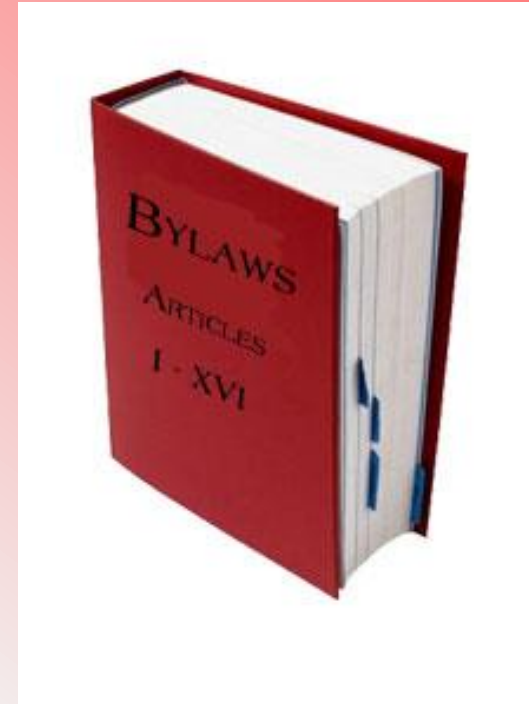
PREPARED BY:
AM
ALLEN & MAJOR
ASSOCIATES, INC.
LAND DEVELOPMENT • LAND ACQUISITION
CONSULTING • ENGINEERING • SURVEYING

FIGURE 1: DIGITAL ASSESSOR MAP



Drafting the Zoning Bylaw/Ordinance

- Ch. 40R Zoning Bylaw creates the Smart Growth Overlay District and shall include a map of the district, and:
 - provisions for the types of uses allowed by right
 - affordability requirements
 - dimensional, density and parking requirements
 - a description of the plan approval process, identifying the plan approval authority
- design standards/guidelines
- waiver and plan amendment authority and procedures



Affordability

- Ch. 40R requires that not less than 20% of the housing units *in projects of more than twelve (12) units* be “affordable”
- For all housing units in a rental project to count on the Subsidized Housing Inventory, at least 25% of said units must be “affordable”
- “Affordable” housing units are those affordable to and occupied by households earning less than 80% of the area-wide median income, as per the U.S. Dept. of Housing and Urban Dev’t and “countable” on DHCD’s Subsidized Housing Inventory.



Approval Process

- Step 1: The chief elected official of the municipality holds a public hearing on the creation of a Smart Growth Overlay District
- Step 2: Said chief elected official submits a Ch. 40R Application Form with supporting materials to the Department of Housing and Community Dev't (DHCD)
 - if incomplete, notification is provided within 30 days
 - a preliminary determination of eligibility is provided, if appropriate, within 90 days
- Step 3: Upon issuance of a preliminary determination of eligibility, the municipality adopts the 40R District as it would any other zoning proposal



Approval Process, Cont'd.



- Step 4: Following adoption of the 40R District, the municipality provides proof thereof to the Department of Housing and Community Dev't
 - confirmation of final approval is provided, if appropriate, within 30 days
- Caveat: Any amendment/repeal of the 40R District, its boundaries or the design standards in the bylaw/ordinance require review and approval of the Department of Housing and Community Dev't

Payments

- Within ten (10) days of approval by the Department of Housing and Community Dev't of a Smart Growth Overlay District, the Commonwealth shall pay to the municipality a “Zoning Incentive Payment”
- Said payment shall be made as per the following schedule, with “Incentive Units” being those allowed as-of-right in the 40R District minus those allowed as-of-right by the underlying zoning:

Zoning Incentive Payments

<u>Incentive Units</u>	<u>Payment</u>
Up to 20	\$10,000
21 to 100	\$75,000
101 to 200	\$200,000
<u>201 to 500</u>	<u>\$350,000</u>
501 or more	\$600,000

Payments, Continued



- ♦ Additionally, a municipality is entitled to a one-time “Density Bonus Payment” of \$3,000 for each “Bonus Unit” constructed within the Smart Growth Overlay District
- ♦ “Bonus Units” are those developed in a project in excess of the number allowed as-of-right in the project by the underlying zoning
- ♦ Said payment is made on a unit-by-unit basis, within ten (10) days of submission of proof that a building permit has issued

Payments Under Proposed 40R Zoning

- **Zoning Incentive Payment**

233 Units = \$350,000

- **Density Bonus Payment**

- \$3,000 Payment for every developed in a project in excess of the number allowed as-of-right in the project by the underlying zoning
- Underlying Zoning does not permit any units as-of-right

233 Units = \$699,000 Bonus Payment

TOTAL = \$1,049,000

Resources

- ♦ More information on Ch. 40R is available at:
 - G.L. c. 40R
 - 760 CMR 59.00
 - www.mass.gov > Housing and Community Dev't > Sustainable Community Planning Initiatives
 - Department of Housing and Community Dev't, (617) 573-1100



The End



Blatman, Bobrowski, Haverty & Silverstein, LLC